

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: SECOND WAVE IBM ARBITRATION
AGREEMENT LITIGATION

No. 1:21-CV-9574 (JMF)

**NOTICE OF DEFENDANT INTERNATIONAL BUSINESS MACHINES
CORPORATION'S RULE 12(B)(6) MOTION TO DISMISS**

PLEASE TAKE NOTICE that Defendant International Business Machines Corporation ("IBM"), by and through its undersigned counsel, moves this Court before the Honorable Jesse M. Furman, United States District Court Judge, Southern District of New York, at the United States Courthouse, 40 Centre Street, Room 2202, for an Order dismissing Plaintiff Sharon Gilmore's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. IBM's motion is based upon the accompanying Memorandum of Law, dated January 31, 2022.

Date: January 31, 2022
New York, New York

Respectfully submitted,

s/ Matthew W. Lampe

Matthew W. Lampe
JONES DAY
250 Vesey Street
New York, New York 10281
Telephone: (212) 326-3939
Facsimile: (212) 755-7309
mwlampe@jonesday.com

*Attorney for Defendant
International Business Machines Corp.*

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2022, I caused the foregoing to be filed with the Clerk of Court and served upon all counsel of record via the CM/ECF system.

/s/ Matthew W. Lampe
Matthew W. Lampe